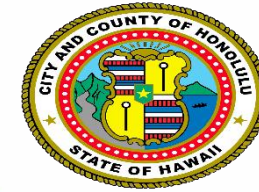


Construction Stormwater U.S. EPA

Connor Adams
CWA Inspector



EPA
REGION 9



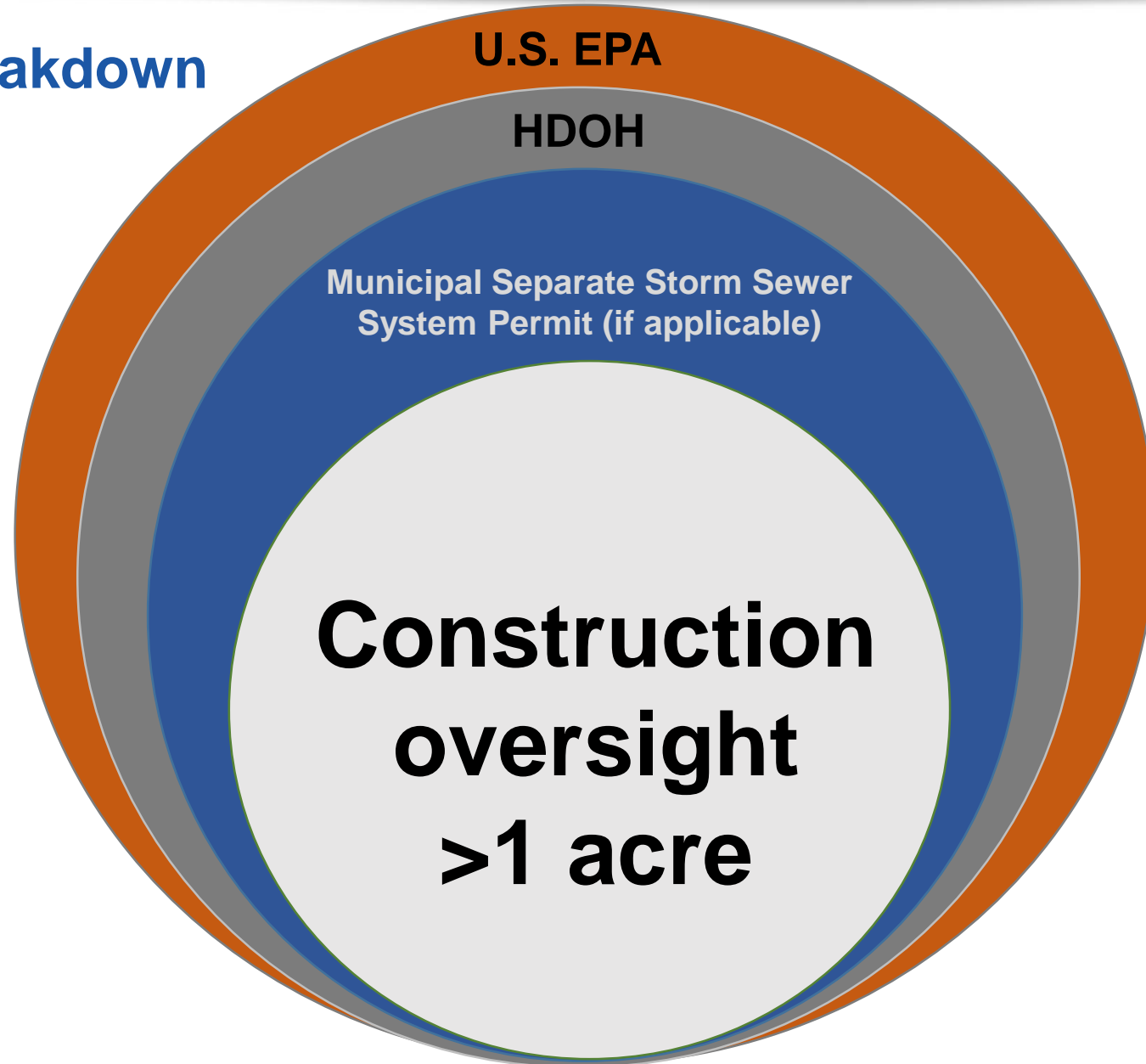
Overview

- ☐ Construction Stormwater Permits

- ☐ EPA Inspections

- ☐ Enforcement

General Regulatory Breakdown



Why are EPA & DOH Concerned about Runoff from Construction Sites?

☐ Pollutants of

- Primarily: (Total Suspended Solids)
- Other potential pollutants include nitrogen and phosphorus, petroleum wastes, and solid



as Total Suspended
phosphorus,
ertilizers, pesticides,
hemicals, and solid

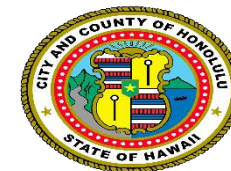


Please log into the following website:

Insert KAHOOT.IT

|

Insert survey number



Thoughts on Total Suspended Solids?

- A) TSS is sand. The beach is sand. EPA shouldn't have a construction stormwater program!
- B) TSS can have an extremely significant impact on marine life, including coral. It is vital that we minimize the mobilization and discharge of sediment into our lakes, rivers, streams and oceans.
- C) This is the 4th slide and I am already sleeping?
- D) Managing stormwater from construction sites keeps me employed so whatever Connor says is important.

Overview

- ☐ **Construction Stormwater Permits**

- ☐ EPA Inspections

- ☐ Enforcement

Construction General Permit (CGP)

- ❑ New EPA construction general permit finalized in January 2017, effective February 16, 2017
- ❑ Mostly minor revisions, but:
 - Permit does include new BMP requirements to reduce PCBs in runoff from demolition of buildings built before 1980 – only applies to PCB impaired waterbodies
 - Notice of coverage at the construction site must include EPA phone number so public can report polluted runoff at a site.
- ❑ May be of interest for Hawaii's next construction permit.

Pending Permit Petitions

After the issuance of the 2017 CGP, EPA was petitioned by both the National Association of Homebuilders (NAHB) and the Chesapeake Bay Foundation.

Construction Permit Trends

- ☐ Clear, measurable and enforceable permit requirements
- ☐ Green infrastructure requirements
- ☐ Additional (more intelligent) monitoring requirements

Overview

☐ Construction Stormwater Permits

☒ **EPA Inspections**

☐ Enforcement

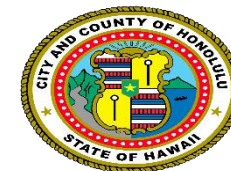


Please log into the following website:

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Insert survey number



POLL: Have You Participated in a Construction Stormwater Inspection?

- A) Yes, I have participated in a US EPA led inspection
- B) Yes, I have participated in a HDOH led inspection
- C) Yes, I have participated in a CCH led inspection
- D) All of the above
- E) None of the above

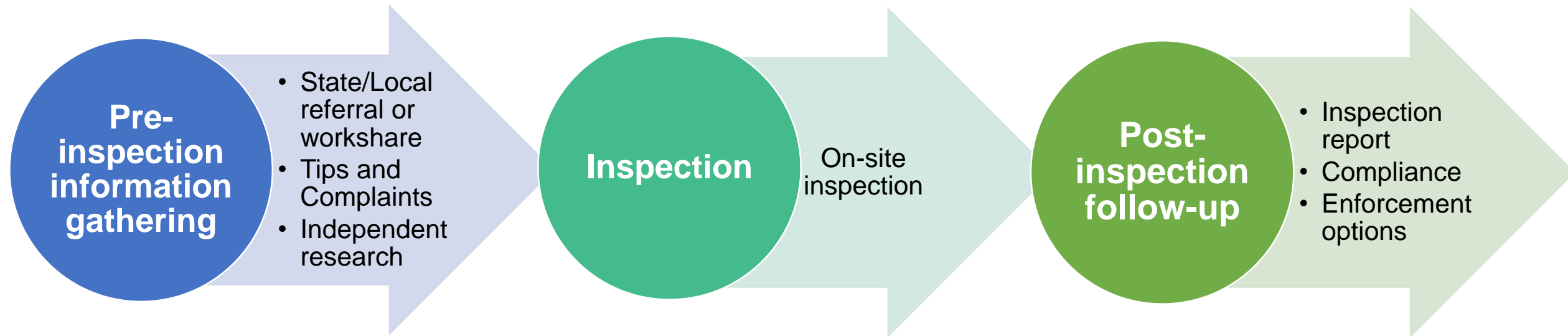
Goal of an Inspection

Identify potential non-compliance to aid in bringing discharger back into compliance

Inspections are performed to:

- ☐ Determine compliance status with regulations, permit conditions, and other program requirements
- ☐ Verify the accuracy of information submitted by permittees
- ☐ Verify the adequacy of sampling and monitoring conducted by the permittee

The EPA Inspection Process



What to Expect During a U.S. EPA Inspection



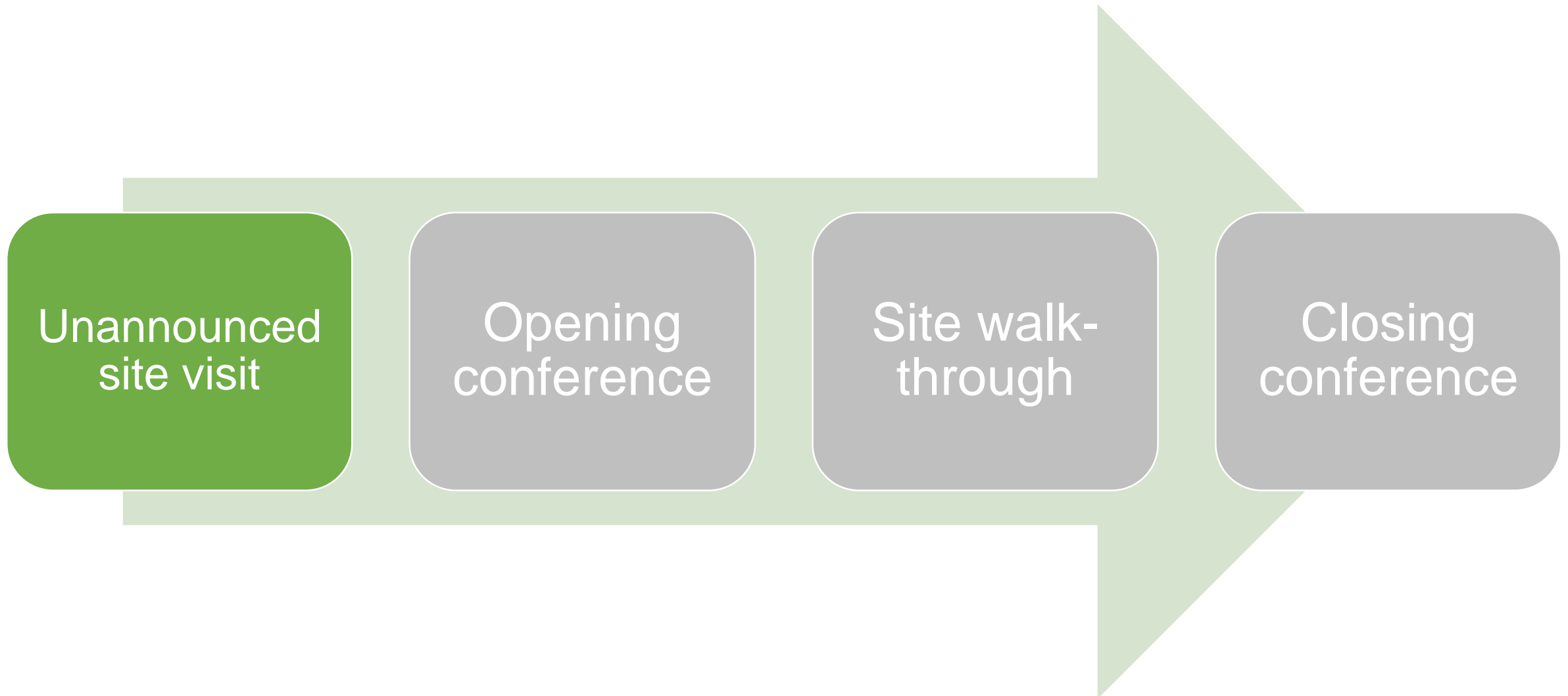
Unannounced
site visit

Opening
conference

Site walk-
through

Closing
conference

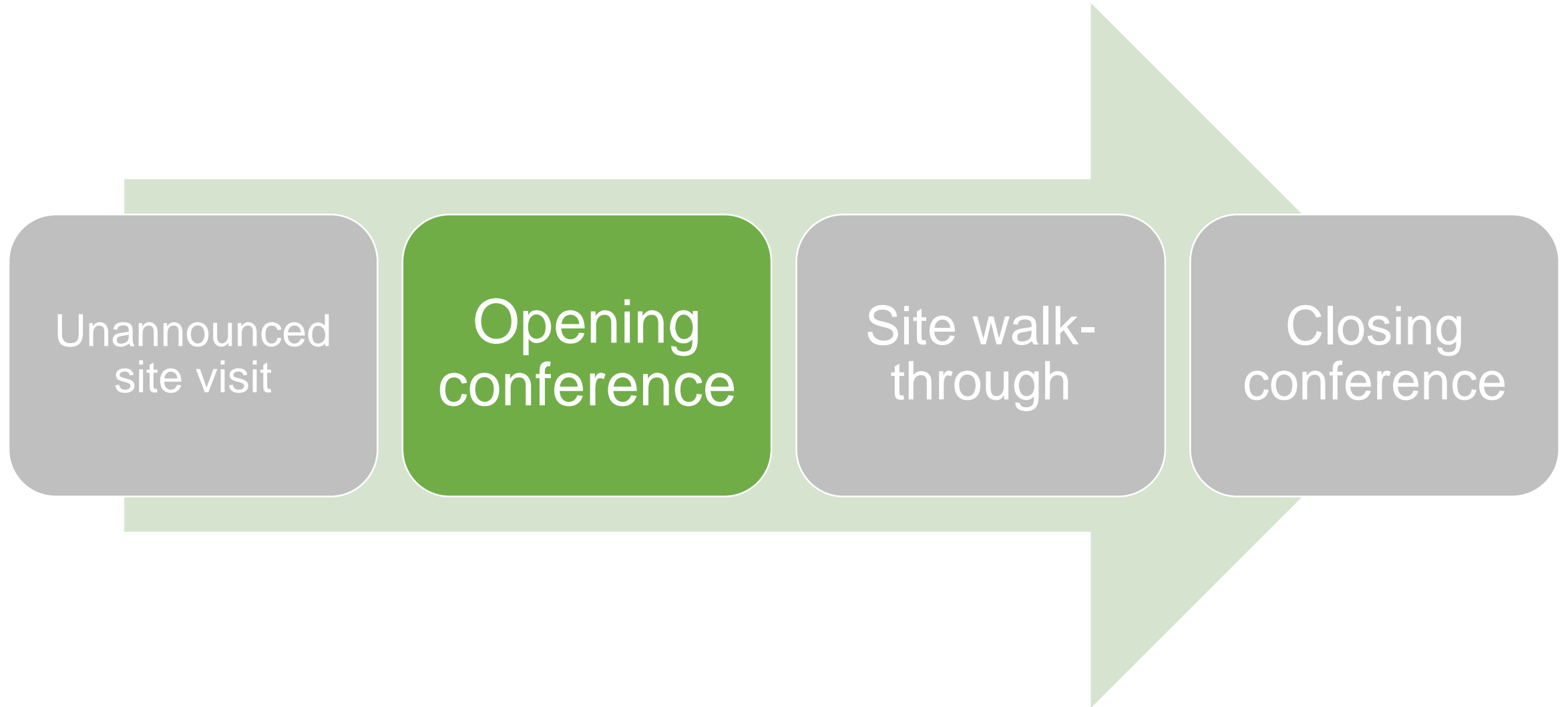
What to Expect During a U.S. EPA Inspection



Unannounced Inspection

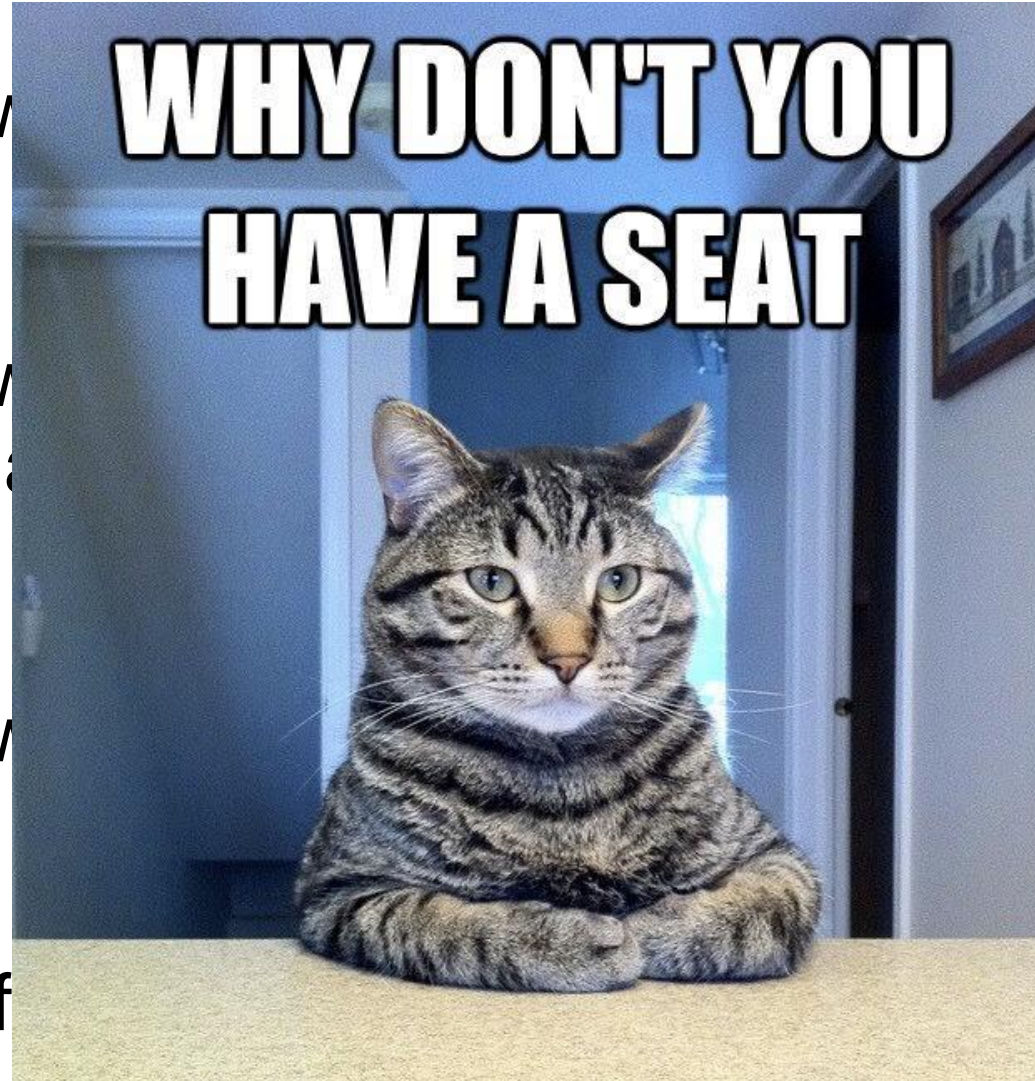
- ❑ Observe site conditions during normal operation
- ❑ EPA realizes that unannounced inspections can be inconvenient and the inspector will generally try and accommodate the needs of the operator

What to Expect During a U.S. EPA Inspection



Opening Conference

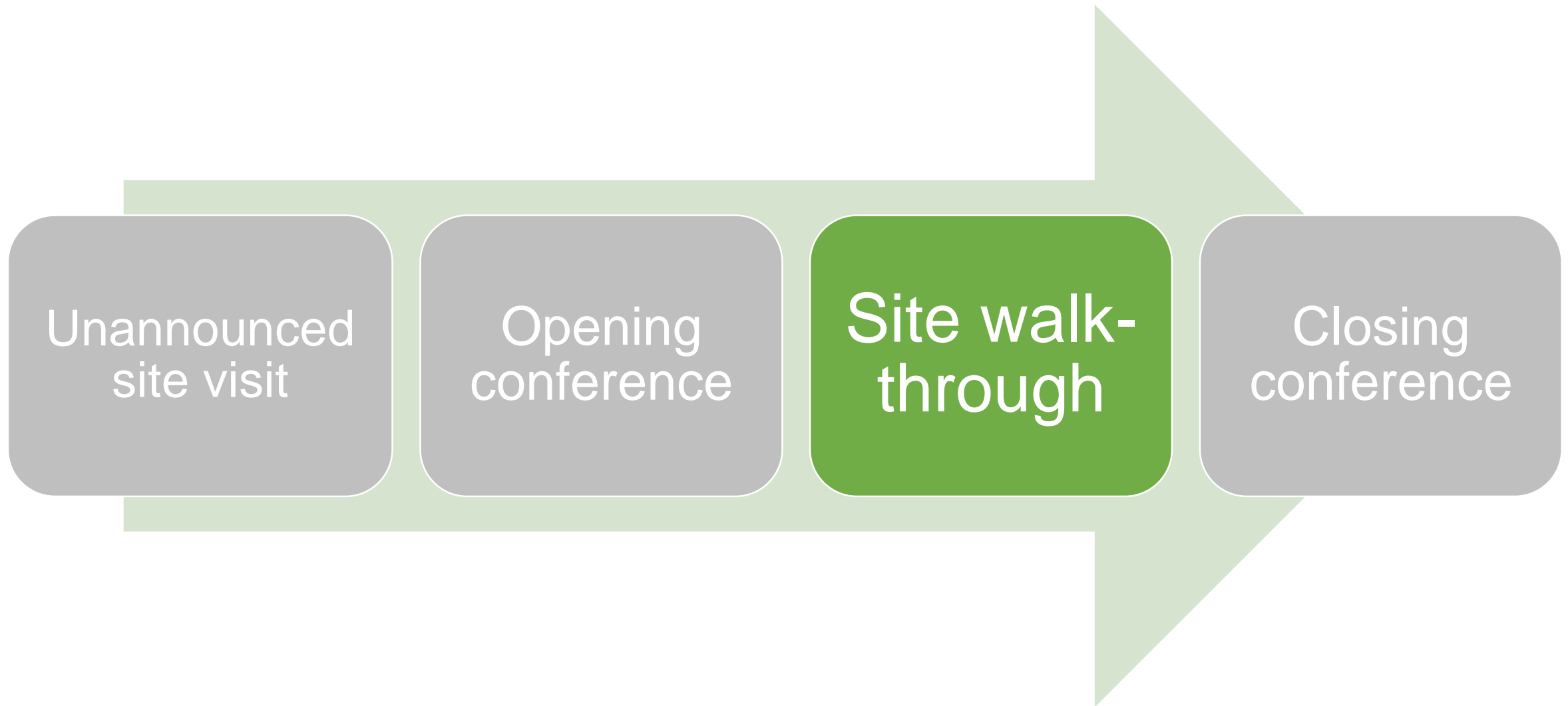
- ☐ The inspector will conduct a visual inspection
- ☐ The inspector will verify the representative sampling location
- ☐ The inspector will verify the sampling equipment
- ☐ Identification of the sampling location



Records Review

- ❑ Storm Water Pollution Prevention Plan (SWPPP)
 - Does SWPPP contain required elements of the permit?
 - Identify and assess potential pollution sources
 - Site Map
- ❑ Are inspection, monitoring, and training records available and complete?

What to Expect During a U.S. EPA Inspection



Site Walk-Through – Implementation of SWPPP

Facility shall implement and maintain seven minimum BMPs:

1. Good Housekeeping
2. Preventative Maintenance
3. Spill and Leak Prevention and Response
4. Material Handling and Waste Management
5. Erosion and Sediment Controls
6. Quality Assurance and Record Keeping
7. Employee Training Program

Poor BMP Implementation



Soil Stabilization



VS



Concrete Washout Areas



Waste Disposal Areas



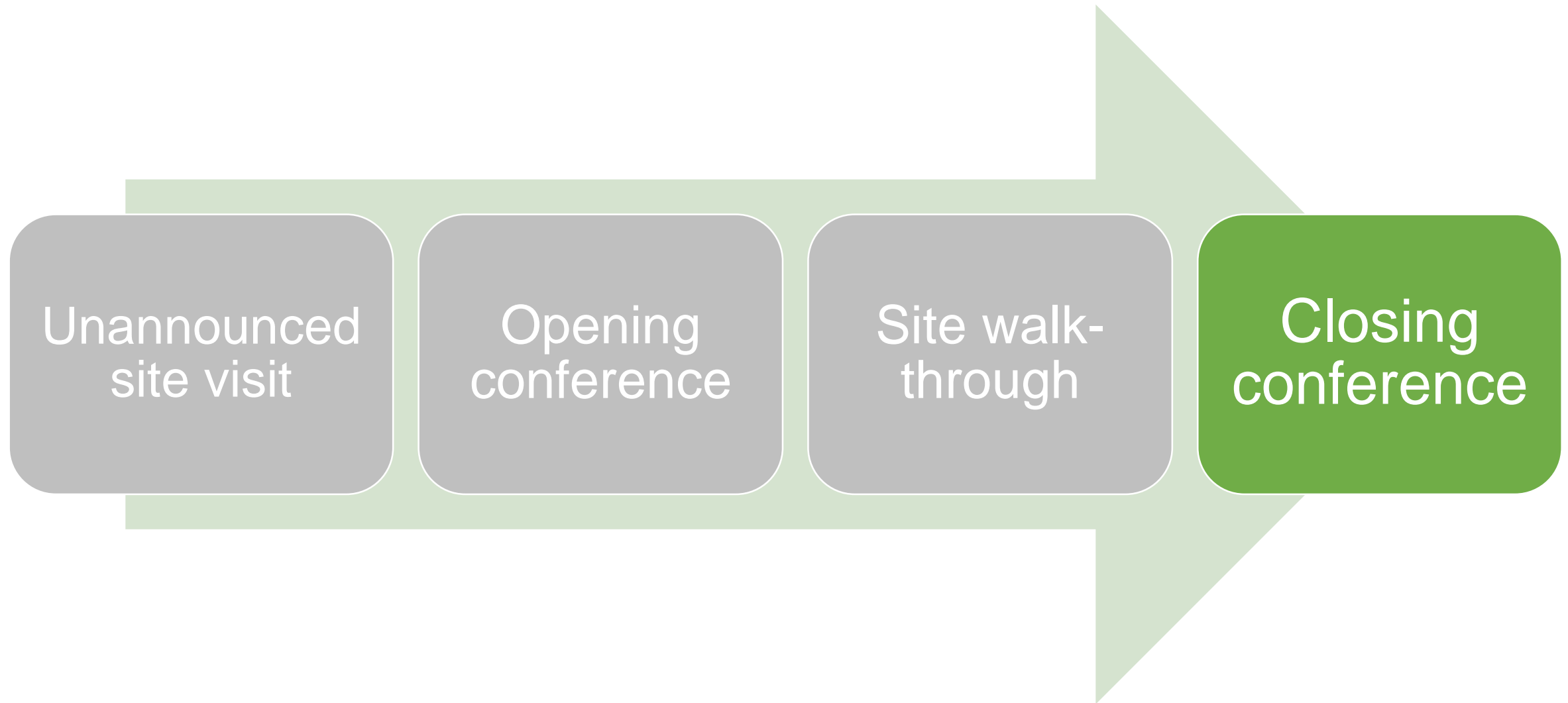
VS



Track-Out Controls



What to Expect During a U.S. EPA Inspection



Closing Conference

- ❑ The inspector will recap the inspection and describe potential areas of concern
- ❑ The inspector may request follow-up documentation

After the Inspection

- ☐ EPA usually finalizes the inspection report within 60 days of the inspection
- ☐ EPA will issue the report and typically ask for a response within 30 days
- ☐ EPA's management will make the decision about whether or not to follow-up with a formal enforcement action

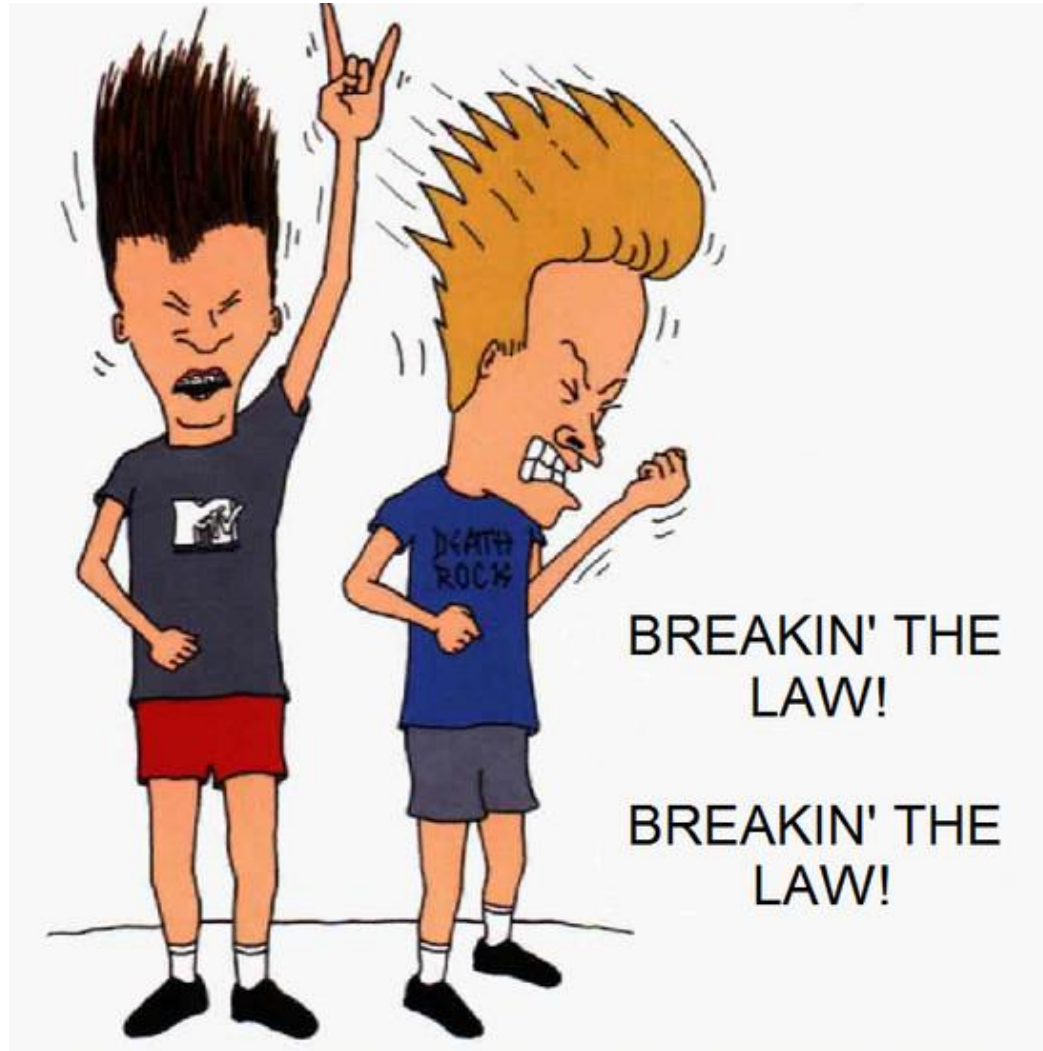
Overview

☐ Construction Stormwater Permits

☐ EPA Inspections

☐ **Enforcement**

Follow-up Enforcement



Why Does EPA Enforce?

- ☐ Deterrence (penalty)
- ☐ Level Playing Field (economic benefit)
- ☐ Remedy the Harm (achieve compliance)

When Does EPA Enforce?

- ☐ Severity and duration of non-compliance
- ☐ Risk to public health and environment
- ☐ Past non-compliance

Enforcement Tools- Administrative Orders

- ☐ Administrative Orders -- (CWA 309(a))
 - Unilateral Order
 - Order on Consent

- ☐ Penalty Order (Addresses harm and economic benefit) (CWA 309(g))
 - EPA penalty policy
<https://www.epa.gov/sites/production/files/documents/constswpenp olguidance020508.pdf>

- ☐ EPA manages cases ourselves

Enforcement Tools- Civil Judicial

- ❑ Generally, DOJ is involved with larger, more complex cases
 - Single facility where duration and nature of violations is large
 - Multiple facilities across different states
 - Penalty amounts exceed statutory limit for Administrative action
- ❑ DOJ represents the Agency in the case
 - Additional HQ involvement as well and additional regions, where needed
- ❑ Citizen Suit provision (CWA §505)

Resources

- ❑ EPA's national stormwater website:

<http://www.epa.gov/npdes/npdes-stormwater-program>

- ❑ EPA Region 9's stormwater website:

<http://www.epa.gov/region9/water/npdes/stormwater.html>

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